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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of
Public Interest Obligations
of TV Broadcast Licensees

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MM Docket No. 99-360

COMMENTS OF BELO

Michael J. McCarthy
Executive Vice President
BELO
Communications Center
400 South Record Street
Dallas, Texas 75202

Richard E. Wiley
James R. Bayes
Marjorie J. Dickman
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, DC 20006
(202) 719-7000

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SUMMARY

Belo respectfully submits that it would be counterproductive for the Commission to impose additional public interest obligations on television broadcast licensees in the digital era. There simply is no legitimate need for additional regulation of television program content. Television broadcasters already are subject to a series of public interest obligations that are more than sufficient to ensure the availability of ample public interest programming.

More importantly, broadcasters have a long-standing tradition of voluntarily providing the public with a substantial amount of public interest programming. Indeed, a study recently undertaken by Belo testifies to the substantial amounts of non-entertainment programming that broadcasters in a broad range of markets already provide. For example, in six of the television markets in which Belo currently owns stations, the major network affiliates currently dedicate at least one-third of their total programming hours to non-entertainment broadcasts.

Likewise, a significant and increasing number of stations provide free airtime to political candidates on a voluntary basis. Since 1996, Belo stations have aired an hour-long program offering qualified federal and state candidates free time on local Belo and PBS stations. In addition to its commitment to continue and expand this series, Belo recently has launched an initiative to expand its coverage of the 2000 national and local elections. Thus, Belo, like many other broadcasters, already is committed to the important goal of informing the electorate about their candidates.

Because today's media marketplace offers consumers a virtually limitless range of programming options, broadcasters will have every incentive to continue providing a substantial amount of public interest programming in the future. In such an intensely competitive environment, broadcasters need to focus on their greatest strength -- locally-oriented public

interest programming. Thus, as broadcasters move into the digital age, they can be expected only to step up their already extensive efforts to serve the news and public affairs programming needs of their audiences. Moreover, in this abundant multichannel environment, the Commission's traditional rationale for subjecting the broadcast industry to content-based regulation—the so-called “scarcity rationale”—is obsolete and constitutionally suspect.

Thus, there is no practical need for increased levels of content regulation, and the transition to digital television does not provide a rationale for imposing such regulatory burdens. In this regard, it should be recognized that the digital spectrum “giveaway” is no more than a myth. In fact, second channels are merely being loaned to broadcasters as a necessary component of the successful roll-out of digital television. Moreover, there are immense financial burdens associated with transitioning to digital services. Indeed, the total cost for DTV conversions is now estimated to be \$17 billion. While digital conversion is necessary for broadcasters to remain competitive in the evolving multichannel marketplace, there is no definitive guarantee that the necessary expenditures will be offset by any corresponding increase in revenues.

For these reasons, Belo believes that broadcasters can best serve the public interest during and after the digital conversion period by continuing their long tradition of providing public service programming and by supporting voluntary industry initiatives— rather than by adhering to government-dictated programming obligations. Thus, Belo submits that regardless of whether broadcasters opt to multicast, to provide HDTV, or to multiplex DTV programming and other services, at this early stage in the digital era, the FCC should refrain from imposing any fees on broadcasters and from extracting specific public interest obligations.

Rather, because it is impossible to predict the future of digital services, broadcasters should be given the flexibility to experiment with varied approaches to the provision of digital television services. This approach will better enable the industry to realize the full potential of this promising technology. Additional regulatory requirements, with their inevitable side-effects of rigidity and standardization, likely would have the opposite effect—that of stifling experimentation and slowing the expansion of digital technology.

In addition, Belo believes that broadcasters should be encouraged to increase their initiatives to inform viewers of their efforts to address local concerns. Likewise, although broadcasters currently are very committed to keeping viewers informed about disaster-related events, Belo agrees with the Advisory Committee recommendation that broadcasters should work with emergency communications specialists and equipment manufacturers to determine the most effective way to use digital technology to relay disaster warning information. Belo submits, however, that broadcasters can and should be encouraged to increase such efforts without the imposition of specific, burdensome regulations.

The Company also vigorously opposes the imposition of mandatory minimum public interest obligations. The public would be much better served by continued voluntary adherence to long-standing industry principles and practices with respect to the provision of public-interest programming. In Belo's opinion, most broadcasters would willingly agree to abide by such generally accepted public interest principles, including the provision of programming responsive to the needs and interests of children and coverage of debates and other candidate forums. In the end, the "court of public opinion," rather than a governmental body, will prove to be the best judge of such industry standards.

Belo offers a similar response to the FCC's inquiry regarding the use of digital technology to provide greater media access to persons with disabilities: the Company endorses the Advisory Committee recommendation that broadcasters should be encouraged to explore ways to offer enhanced access, including expanded closed captioning, video description, and data streaming. In addition, Belo shares the general commitment of broadcasters to diversity and equal employment opportunities and endorses voluntary industry initiatives to increase opportunities for and participation by minorities, women, and small businesses in the nation's television broadcasting system.

With respect to the Commission's specific proposals to enhance the broadcast of political discourse, Belo believes that voluntary industry initiatives will be the best vehicle to strengthen broadcasters' commitment to free airtime for candidates as well as the overall quality of political presentations. Finally, Belo strongly supports the proposal to allow a second broadcast channel to be retained by the noncommercial stations in each market in order to air additional educational, instructional, and public interest programming.

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COMMENTS OF BELO

I. INTRODUCTION/OVERVIEW

Belo hereby submits its comments in response to the Notice of Inquiry (“NOI”) released by the Commission on December 20, 1999 in the above-captioned proceeding to solicit comments concerning the public interest obligations of television broadcast licensees in the digital era.¹ The NOI was released, in part, in response to the report of the Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters (“Advisory Committee”) and to a petition for rulemaking or notice of inquiry filed by People for Better TV.² Notably, the

¹ See Public Interest Obligations of TV Broadcast Licensees, Notice of Inquiry, MM Docket No. 99-360, FCC 99-390 (rel. Dec. 20, 1999) (“NOI”).

² The Advisory Committee met during 1997 and 1998 to discuss the public interest obligations of digital television broadcasters. The Advisory Committee was comprised of 22 individuals chosen by President Clinton, including broadcasters, producers, academics, computer industry representatives, public interest advocates, and advertisers.

On December 18, 1998, the Advisory Committee submitted a report to Vice President Gore, which contains ten recommendations regarding public interest obligations of television broadcasters. See Advisory Committee Report on the Public Interest Obligations of Digital Television Broadcasters, Charting the Digital Broadcasting Future: Final Report of the Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters at 43-67 (1998)

(Continued...)

Commission chose to release a notice of inquiry in this proceeding, thereby initiating a public debate on the topic—as opposed to a notice of proposed rulemaking, which would have proposed specific rules.³ The NOI requests information in four general areas: (i) challenges unique to the digital era; (ii) responding to the community; (iii) enhancing access to the media; and (iv) enhancing political discourse.⁴

(...Continued)

(“Advisory Committee Report”). The Advisory Committee, however, did not reach a consensus on many of these recommendations—as indicated by the Advisory Committee members’ eleven Separate Statements included at the end of the Report. Robert W. Decherd, Belo’s Chairman of the Board/President/Chief Operating Officer, served on the Advisory Committee and submitted a Separate Statement (jointly with Harold C. Crump, Vice President, Hubbard Broadcasting, Inc., and William F. Duhamel, Ph.D., President, Duhamel Broadcasting Enterprises).

On June 3, 1999, People for Better TV (“PBTV”), filed a petition for rulemaking and a petition for notice of inquiry to determine the public interest obligations of digital television broadcasters. See People for Better TV, Petition for Rulemaking and Petition for Notice of Inquiry (filed June 3, 1999). PBTV subsequently submitted a letter to Chairman Kennard reiterating its request. See Letter from People for Better TV to William E. Kennard, Chairman, FCC, Nov. 16, 1999.

On October 20, 1999, the Vice President submitted a letter to FCC Chairman William Kennard asking that the Commission address certain of the Advisory Committee’s recommendations. Specifically, the Vice President asked the FCC to address the Advisory Committee’s recommendations concerning political discourse, disaster warnings, disability access to digital programming, and diversity. See Letter from Vice President Al Gore to William E. Kennard, Chairman, FCC, Oct. 20, 1999, at 2-3 (“Vice President’s Letter”). The NOI was issued two months later and focuses primarily on the four areas identified in the Vice President’s letter.

³ See NOI at ¶ 5 (citing Advanced Television Systems and Their Impact Upon Existing Television Broadcast Service, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809, 12830 (1997) (“Fifth Report and Order”) (“The Commission . . . [chose] to issue a ‘Notice [of Inquiry] to collect and consider all views on this subject. . . .’”); id. at ¶ 8 (emphasis added) (“[The FCC] believe[s] that it is an appropriate time to create a forum for public debate.”)).

⁴ See id. at ¶¶ 5-6.

For the reasons set forth below, Belo urges the FCC to proceed cautiously during the transition to DTV. The agency should resist calls to expand the public interest obligations of television broadcast licensees simply because they will be utilizing a new technology to provide broadcast service to the public.⁵ The Company respectfully submits that there is no identifiable need for further burdensome regulation of television program content, and that any heightened content-oriented public interest obligations would be constitutionally suspect. Indeed, history demonstrates that television broadcast stations have provided outstanding public interest programming and a high level of service to their local communities for decades, with minimal governmental intervention. With the ever-increasing competition in the information marketplace, stations have even more incentive to provide such programming and locally-oriented service in the digital era. Further, the imposition of additional public interest obligations may very well stifle experimentation and slow the transition to digital service—a devastating result for the Commission, the television broadcast industry, and, most importantly, the public.

II. BELO

Belo is the oldest continuously operating business institution in Texas. Beginning in 1842 as The Daily News, originally a one-page newspaper published in Galveston, the Company has grown to become one of the nation's leading media companies, with a diversified group of television broadcasting, newspaper publishing, cable news, and electronic media assets. Belo entered the television business in 1950, when it acquired WFAA-TV in Dallas-Fort Worth,

⁵ See Fifth Report and Order at 12830.

Texas. Currently, Belo owns eighteen full-service television broadcast stations and manages two additional stations under local marketing agreements, reaching 14% of U.S. television households. In addition to its flagship publication, The Dallas Morning News, and the associated Arlington Daily News, the Company currently publishes six other daily newspapers. Belo, directly or through joint ventures, also operates five local or regional cable news channels and operates an interactive business called Belo Interactive.

III. THERE IS NO NEED FOR FURTHER BURDENSOME REGULATION OF TELEVISION PROGRAM CONTENT—BROADCASTERS PROVIDE AN AMPLE SUPPLY OF PUBLIC INTEREST PROGRAMMING AND WILL HAVE A COMPELLING INCENTIVE TO CONTINUE TO DO SO IN THE DIGITAL AGE

A. Television Stations Already Are Subject to Numerous and Substantial Public Interest Obligations, Which Suffice to Ensure the Continuing Availability of Ample Public Interest Programming in the Digital Age

Belo believes that existing regulations are more than sufficient to ensure that television station licensees comply with their public interest programming obligations in the digital age. Among other public interest programming requirements, television stations already are required to offer programming responsive to community needs, as well as comply with complex political broadcasting rules, strict regulations regarding children's television programming, closed captioning rules (and, if pending FCC proposals are adopted, video description requirements), and a number of other restrictions on television programming content. As part of their community responsive programming requirement, for example, television stations must keep

quarterly community responsive programming reports in their public inspection files⁶ and certify compliance with this requirement in their license renewal applications.

The Commission also enforces a myriad of complex political broadcasting rules with which television stations must comply. Stations are required to permit federal candidates “reasonable access” to purchase commercial time,⁷ sell time to political candidates at the “lowest unit charge” for comparable time,⁸ and afford candidates “equal opportunities” to respond when opposing candidates “use” a broadcaster’s station.⁹

Moreover, since January 1997, the government has closely regulated television programming for children by requiring television stations to air at least three hours of “core” educational and informational television programming per week for children sixteen and younger.¹⁰ In addition, the FCC rigorously enforces commercial time limits on programs for children twelve and younger.¹¹

Furthermore, television stations must adhere to sponsorship identification¹² and closed captioning rules,¹³ and may soon be required to comply with video description rules as well.

⁶ 47 C.F.R. § 73.3526(e)(11)(i).

⁷ 47 C.F.R. § 73.1944.

⁸ 47 C.F.R. § 73.1942(a)(1).

⁹ 47 C.F.R. § 73.1941(a)-(b).

¹⁰ 47 C.F.R. § 73.671.

¹¹ 47 C.F.R. § 73.670.

¹² 47 C.F.R. § 73.1212.

¹³ 47 C.F.R. § 79.1.

Under the closed captioning rules—which were phased in beginning on January 1, 1998—broadcasters must caption 95% of all “new” non-exempt programming, and caption 75% of “pre-rule” programming, by 2008.¹⁴ Moreover, if a recently released FCC proposal is adopted, television stations will be subject to video description rules in the near future. The proposal, which was released late last year in a notice of proposed rulemaking, suggests that—no later than eighteen months after the effective date of the Commission’s video description rules—broadcasters affiliated with the ABC, CBS, Fox, and NBC networks in Nielsen’s top 25 Designated Market Areas and larger multichannel video programming distributors would be required to provide at least 50 hours per calendar quarter of described prime time and/or children’s programming.¹⁵

B. Television Broadcast Licensees Have Long Been Champions of Public Interest Programming

1. Television stations excel at providing a very substantial quantity of top quality news, information, and other non-entertainment programming

Local broadcasters have a long tradition of providing quality public interest programming for their viewers on a voluntary basis, with minimal government intervention. Indeed, in the NOI, the Commission acknowledges that “many broadcasters have served the public interest in numerous ways over the years” and that “many television broadcasters have demonstrated a

¹⁴ Id.

¹⁵ See Implementation of Video Description of Video Programming, Notice of Proposed Rulemaking, MM Docket No. 99-339, FCC 99-353, at ¶ 20 (rel. Nov. 18, 1999).

strong record of community service.”¹⁶ Thus, in most television markets, three, four or more network-affiliated stations—as well as other independent competitors—already provide extensive non-entertainment programming to meet the needs of local viewers. This rich diversity of program offerings is the result of market forces, not government regulation.

Indeed, a programming study recently undertaken by Belo demonstrates that representative television broadcasters in a wide range of markets currently provide very substantial amounts of non-entertainment programming—i.e., newscasts, news/information programs, public affairs shows, instructional programs, children’s/educational programming, and religious programs—on a voluntary basis.¹⁷ The study, which sought to analyze the quantity of non-entertainment programming across a variety of market sizes, reviewed six markets in which Belo owns television broadcast stations (ranging from the 7th - to the 125th-ranked markets).¹⁸ In

¹⁶ NOI at ¶¶ 8, 21.

¹⁷ Non-Entertainment Programming Study (Belo) 2000 (“Non-Entertainment Programming Study”) (copy attached as Appendix A).

Similarly, a survey of NAB members, covering the time period August 1, 1996 to July 31, 1997, reported that television broadcast stations aired an average of 137 Public Service Announcements (“PSAs”) per week; the average station provided \$968,865 worth of time for PSAs per year; the Big Four television networks aired 41 PSAs per week for a contribution of \$324.4 million per year, while television broadcast stations collectively contributed \$707.3 million per year; and the average television broadcast station raised \$867,300 per year. See Broadcasters Bringing Community Service Home: A National Report on the Broadcast Industry’s Community Service (NAB) Apr. 1998 (summary of results available at <<http://www.benton.org/Policy/TV/meeting5.html>>) (“NAB Report”). Moreover, 66% aided disaster victims; 81% consulted with local community leaders in choosing issues and causes for public service offerings; and 52% of their PSAs were produced locally or dealt with local issues. Id.

¹⁸ The study analyzed the Dallas-Fort Worth, Houston, Seattle-Tacoma, Phoenix, Hampton-Norfolk, and Boise markets. These markets are ranked 7th, 11th, 12th, 17th, 40th, and 125th, respectively. Television and Cable Factbook, A-1 - A-3 (1999).

the aggregate, the major network affiliates in those markets dedicated approximately one-third or more of their total broadcast hours to non-entertainment programming.¹⁹ These findings disprove the suggestion of some advocates of increased regulation that only a few “good” broadcasters in the largest markets excel at serving their local communities.²⁰

Belo’s programming study also revealed that four of the six Belo stations surveyed broadcast 72 or more hours per week of non-entertainment programming, while all six of the stations broadcast over 60 hours per week of non-entertainment programming.²¹ With respect to newscasts alone, three of the stations studied air approximately 45 hours per week, while the remaining three stations air 32 or more hours per week.²²

Many individual Belo stations broadcast even more non-entertainment programming. For example, in Belo’s largest market, its flagship television broadcast station, WFAA-TV (ABC), Dallas-Fort Worth, airs over 82 hours of non-entertainment programming per week.²³ Because of

¹⁹ Non-Entertainment Programming Study. In all six markets, the major network affiliates jointly air over 215 hours of non-entertainment programming per week. Id. Moreover, the network affiliates in the Dallas-Fort Worth and Phoenix markets provide 275 or more hours of non-entertainment programming. Id. Thus, these stations alone contribute a very substantial amount of high quality and diverse programming to the information “mix” in their respective markets.

²⁰ Moreover, a nearly identical study commissioned by Belo in 1998 revealed that in fourteen of the markets in which Belo owned stations at the time, the network affiliates jointly aired over 200 hours of non-entertainment programming per week—or at least 30% of their total broadcast hours. Non-Entertainment Programming Study (A.H. Belo Corporation) 1998. Thus, local broadcasters clearly have made an enduring commitment to airing a substantial amount of informational programming.

²¹ Non-Entertainment Programming Study 2000.

²² Id.

²³ Id.

Belo's commitment to news and informational programming, WFAA-TV has become an established leader among broadcasters in the Dallas-Fort Worth market.

Similarly, KTVB(TV) (NBC), Boise—one of Belo's small market stations—WVEC-TV (ABC), Hampton-Norfolk, and KING-TV (NBC), Seattle-Tacoma, air, on average, 79, 75, and 73 hours of non-entertainment programming per week, respectively.²⁴ In addition, KTVB(TV) and KHOU-TV (CBS), Houston, each currently air, on average, almost 45 hours of local and national newscasts per week.²⁵ Furthermore, KING-TV, KTVB(TV), KTVK(TV) (IND), Phoenix, and WVEC-TV each air, on average, 20 hours or more of news/information programs per week.²⁶ The records of these representative stations demonstrate that television broadcasters nationwide, whether in large or small markets, provide a very substantial amount of high quality news, information, and other non-entertainment programming and, thus, unquestionably are serving the interests of their communities of license.

2. A significant and increasing number of stations voluntarily provide free airtime to federal candidates

In 1996, Belo—in conjunction with local PBS affiliates—voluntarily initiated an hour-long program called “It’s Your Time,” which offered certain federal and state candidates five minutes of free airtime on local Belo and PBS stations.²⁷ The series, which is aired without commercial interruption, features the views of candidates for the U.S. Senate, the U.S. House of

²⁴ Non-Entertainment Programming Study.

²⁵ Id.

²⁶ Id.

²⁷ Belo also offers the hour-long program as a public service to local cable operators and radio
(Continued...)

Representatives, and State Governor in each area served by a Belo station. For the 1997-1998 election cycle, Belo revamped “It’s Your Time” to include separate one-minute candidate statements in addition to the longer statements which are incorporated into an hour-long program aired by the Belo and PBS affiliates in each market. 135 candidates availed themselves of the opportunity to participate, providing over twelve hours of additional information on these political races. The Company also is offering “It’s Your Time” in connection with the 1999-2000 election cycle and is committed to continuing and expanding the series.

In addition, Belo has launched an initiative to expand its coverage of the 2000 national and local elections. Under this new program, each Belo television station will broadcast three stories per week focusing on candidates or election issues during its evening newscasts. The stories will start airing sometime between 30 and 45 days before an election and, when possible, will include “ad watches” (analyses of political advertisements) or “issue checks” (coverage of a particular candidate’s position on an issue). When feasible, stations also will provide live coverage of general election presidential debates. These efforts will be further enhanced by Belo’s web sites. Select sites will provide space for candidate issue statements and responses to pertinent questions; some sites will host “e-town meetings,” allowing voters to express opinions and gather information on local issues. The web sites also will provide voter registration information as well as links to other voting-related sites.

Many other broadcasters voluntarily provide similarly innovative programs designed to inform the public, including extensive coverage of state, county, and local elections in special

(...Continued)
stations.

programming and in news and public affairs programs.²⁸ For example, a survey of NAB members revealed that, during the 1996 election campaign period, half of the television stations surveyed offered to sponsor and air debates and forums; 20% aired a debate or forum sponsored by an outside group; 44% aired a local public affairs program dealing with the elections; 63% ran special segments profiling candidates and/or their positions on issues; 91% ran PSAs urging people to vote; and 75% ran combination on- and off-air public service campaigns.²⁹

Even more broadcasters have committed to providing free airtime and informational political programming in connection with the 2000 election cycle. For example, Hearst-Argyle Television, Inc. recently launched “Commitment 2000,” an initiative aimed at providing more comprehensive news coverage of national, state, and local election campaigns.³⁰ The effort includes a promise by all Hearst-Argyle television stations to air debates, candidate forums, and town hall meetings; to add “Commitment 2000” web pages to their web sites; to develop relevant stories focusing on relevant issues during the 30-day periods leading up to primary and general elections; and to broadcast “ad watch” segments and voter registration PSAs.³¹ Similarly, the E.W. Scripps Company has announced “Democracy 2000,” a public discourse initiative that will make free airtime available to select political candidates.³² Each of the company’s nine network-

²⁸ “[B]roadcasters have devoted many hours of program time to political coverage.” NOI at ¶ 35.

²⁹ NAB Report.

³⁰ Hearst-Argyle Launches Commitment 2000, A Group-Wide Effort to Strengthen Political News Coverage, Hearst-Argyle Television, Press Release, Jan. 5, 2000.

³¹ Id.

³² Scripps Making Free Airtime Available to Candidates, The E.W. Scripps Company, Press Release, Jan. 13, 2000.

affiliated stations will provide five minutes of free time to candidates nightly during the 30 days preceding this year's general elections. The stations also will provide free time as needed during the 30 day periods leading up to primary elections and will feature election-related content on their web sites.³³

These public interest initiatives—none of which is required under existing political broadcasting laws—reflect broadcasters' long-standing commitment to service their audiences. Thus, they can be expected to continue to thrive in the digital age, even in the absence of government regulation.³⁴

C. Intense and Ever-Increasing Competition Provides More Than Sufficient Incentive for Broadcasters to Continue to Offer High Quality, Original, Locally-Oriented Public Interest Programming

The information revolution has led to an explosion in information outlets.³⁵ Today, television broadcasters face intense competition from a dazzling array of information providers, including cable television, DBS, wireless cable, the Internet, videocassette sales and rentals, radio, newspapers, magazines, and direct mail. As a result, viewers have a broader choice of outlets for news, information, and entertainment than ever before.

³³ Id.

³⁴ In this regard, Belo believes it is noteworthy that campaign finance reform legislation died in 1999 in both the House and the Senate, and that the provision of free airtime was not a component of any of the proposals.

³⁵ See Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules, Report and Order, MM Docket Nos. 91-221, 87-8, FCC 99-209, at ¶ 1 (rel. Aug. 6, 1999) (The FCC, in relaxing its local ownership rules governing television broadcast stations, stated that "[t]he new rules . . . reflect a recognition of the growth in the number and variety of media outlets in local markets. . . ."); see also id. at ¶ 7 ("[T]here has been an increase in the number and types of media outlets available to local communities.").

In this multi-outlet information marketplace, localism is the unique characteristic that distinguishes television broadcasters from their competitors. The most important aspect of localism is providing programming responsive to community needs and interests. Thus, to compete and thrive in the ever-changing information marketplace, broadcasters must focus on their principal strength—the fact that they provide locally-oriented television and public interest services.

The incentive to provide such high-quality local news and public affairs programming will only increase in the digital era, as many stations develop suitable programming for additional multiplexed channels and compete for viewers in a converging video marketplace. Thus, the expansion of channel capacity in the digital age can be expected to lead to the introduction of entirely new programming services that are specifically devoted to recognized public interest needs such as news, public affairs, political discourse, and the educational needs of children.

Accordingly, the intense and ever-increasing competition in the information marketplace—the deeply-rooted marketplace incentive—will continue to ensure an ample supply of news, information, and other non-entertainment programming to serve the needs and interests of local television viewers. Moreover, there is no evidence to suggest that the imposition of additional regulatory burdens will have any appreciable impact on television stations’ present incentives to address viewers’ news and information needs.

D. Historically, the Government Has Recognized That Broadcasters Are Entitled to a Substantial Degree of First Amendment Protection

While the perceived “scarcity” of available channels has, at least in past judicial decisions, served to justify a greater degree of regulation than would be permissible in dealing

with the print media, it has nevertheless been recognized that broadcasters are entitled to a substantial degree of First Amendment protection. Accordingly, even prior to the emergence of the modern multichannel television marketplace, government oversight in this area reflected considerable sensitivity to First Amendment values.

As the U.S. Supreme Court stated long ago, the Communications Act of 1934 recognized “that the field of broadcasting is one of free competition.”³⁶ The court went on to explain that: “Congress intended to leave competition in the business of broadcasting where it found it, to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public.”³⁷ Under this regime, Congress intended to “preserve values of private journalism” and to rely primarily on competition, rather than government regulation, as the preferred vehicle for promoting the “public interest” in broadcasting.³⁸ Although Congress found that dangers to the public interest could arise from either “private or official censorship,” it concluded that “Government censorship would be the most pervasive, the most self-serving, the most difficult to restrain and hence the most to be avoided.”³⁹

Thus, while the FCC has asserted a limited role in enacting some content-related regulations, it has generally restricted itself to the adoption of generalized public interest guidelines and has relied largely on private journalism and private editorial decision-making for

³⁶ FCC v. Sanders Brothers Radio Station, 309 U.S. 470, 474 (1940).

³⁷ Id.

³⁸ Columbia Broadcasting Systems v. FCC, 412 U.S. 94, 109 (1973).

³⁹ Id. at 105.

the specific amplification of these policies. In so doing, the agency typically accords broad deference to the reasonable good-faith programming decisions of individual broadcasters. Moreover, to a very substantial degree, the FCC has placed reliance on the voluntary commitment to community service that has long been a tradition within the broadcast industry—as well as on marketplace incentives that reward those stations that most effectively respond to the needs and interests of their viewers in the provision of local public interest programming.

E. Scarcity Is No Longer a Viable Rationale for Imposing Increased Public Interest Obligations on Broadcasters

Traditionally, the constitutional validity of government oversight of the broadcast industry has been premised largely on the inaccurate notion that there continues to be a “problem” of scarcity in the number of available broadcasting outlets. In recent years, however, the scarcity rationale has been expressly repudiated by the Commission itself, strongly questioned by Congress and the courts, and criticized by distinguished scholars.

Indeed, the FCC determined more than a decade ago that the dramatic growth in the number of available broadcasting outlets had rendered the scarcity doctrine obsolete.⁴⁰

⁴⁰ Syracuse Peace Council v. Television Station WTVH, 2 FCC Rcd 5043, 5052-53 (1987), aff’d, 867 F.2d 654 (D.C. Cir. 1989); see also id. (“[T]he [scarcity] rationale . . . is no longer sustainable in the vastly transformed, diverse market that exists today.”). Indeed, as FCC Commissioner Michael K. Powell has stated more recently, “[A]s we undertake this inquiry we have a solemn obligation to evaluate honestly the extent to which scarcity can still justify greater intrusion on broadcasters’ First Amendment rights. It is ironic . . . that as we enter the digital age of abundance and tout its myriad of opportunities for more information through more outlets, we simultaneously propose greater public interest obligations that infringe upon speech, justified on the crumbling foundation of scarcity.” NOI (Concurring Statement of Commissioner Michael K. Powell at 1); see also Michael K. Powell, Commissioner, FCC, Remarks before The Media Institute (Apr. 22, 1998) (“1998 Powell Remarks”) (“TV stations now have the potential to produce at least four times the number of channels of programming . . . and compression technology promises to expand this even further.”); 1998 Biennial Regulatory Review—Review

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Specifically, the Commission stated, “[T]he scarcity rationale developed in the Red Lion decision and successive cases . . . is no longer sustainable in the vastly transformed, diverse [communications] market that exists today.”⁴¹ Moreover, in reviewing the FCC’s action, the Court concluded that “the [Commission] . . . found that the ‘scarcity rationale,’ which has historically justified content regulation of broadcasting, is no longer valid.”⁴²

Congress similarly has expressed doubts as to the viability of the scarcity rationale. The Telecommunications Act of 1996 (the “1996 Act”) was undeniably viewed by Congress as a mechanism through which to signal its view that the broadcast industry has been transformed since the Red Lion era. In enacting the 1996 Act, for example, the House Commerce Committee observed that, in light of vast changes in the mass media marketplace, “the scarcity rationale for government regulation no longer applies.”⁴³

Furthermore, “[f]or years, scholars have argued that the scarcity of the broadcast spectrum is [not] an accurate technological description of the spectrum.”⁴⁴ Rather, the dynamic

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of the Commission’s Broadcast Ownership Rules, Notice of Inquiry, 13 FCC Rcd 11276 (1998) (Separate Statement of Commissioner Harold W. Furchtgott-Roth, at 3) (citing 1985 Fairness Report, 102 FCC 2d 142 (1985) and Syracuse Peace Council) (“One of the most fundamental ways in which the broadcast landscape may have changed is that . . . there are significantly more outlets for communications than there once were.”).

⁴¹ Syracuse Peace Council v. Television Station WTVH, 2 FCC Rcd at 5053; see also 1998 Powell Remarks (“[T]oday’s communications environment . . . makes the reasoning of Red Lion seem almost quaint.”).

⁴² Meredith Corp. v. F.C.C., 809 F.2d 863, 867 (D.C. Cir. 1987) (internal citations omitted).

⁴³ Communications Act of 1995, H.R. Rep. No. 104-204, 104th Cong. 1st Sess. at 54 (July 24, 1995).

⁴⁴ Action for Children’s Television v. F.C.C., 58 F.3d 654, 675 (D.C. Cir. 1995), cert. denied 516 (Continued...)

supply of usable spectrum depends on the state of communications technology and the system adopted by the federal government for licensing the use of that spectrum. At any point in time, there could be less “scarcity” if television receivers were produced with more demanding specifications, or if transmissions were packed more densely into a given bandwidth or transmitted at a higher frequency. Clearly, “all resources are scarce in the sense that people often would like to use more than exists.”⁴⁵

In any event, whatever one may think in an ultimate sense about the continuing validity of the scarcity doctrine, it is indisputable that the “problem” of limited channel capacity is much diminished today.⁴⁶ Moreover, it is certain that this alleged problem will continue to decline

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U.S. 1043 (1996) (Edwards, C.J., dissenting). See, e.g., Glen O. Robinson, The Electronic First Amendment: An Essay for the New Age, Duke L.J. at 5 (Spring 1998) (“By the 1980s . . . the emergence of a broadband media . . . was supplanting traditional, single-channel broadcasting and with it the foundation on which the public interest obligations had been laid. If it ever made sense to predicate regulation on the use of a scarce . . . radio spectrum, it no longer did.”); Mark D. Director and Michael Botein, Consolidation, Coordination, Competition, and Coherence: In Search of a Forward Looking Communications Policy, 47 Fed. Comm. L.J. 229, 233-34 (1994) (“The courts’ historical approach to creating rigid distinctions among the media—e.g., ‘scarcity’ in broadcasting—is obsolete.”); William T. Mayton, The Illegitimacy of the Public Interest Standard at the FCC, 38 Emory L.J. 715, 718 (Summer 1989) (“[T]he predicate for . . . a presumed natural scarcity, if it ever existed at all, certainly no longer exists.”); Laurence H. Winer, The Signal Cable Sends—Part I: Why Can’t Cable be More Like Broadcasting?, 46 Md. L. Rev. 212, 238-39, 254-56 (Winter 1987) (“[T]he concept of a unique, physical limitation on the availability of broadcast frequencies is questionable . . . from a technological point of view there is no inherent shortage of spectrum capacity—nor was there any fifty years ago . . . [F]rom its inception, the scarcity rationale for regulation of broadcasting was flawed on factual, legal, and policy grounds as well as in its application. . . . [S]carcity is a thing of the past.”).

⁴⁵ Action for Children’s Television v. F.C.C., 58 F.3d at 675 (Edwards, C.J., dissenting); see also Telecommunications Research & Action Ctr. v. F.C.C., 801 F.2d 501, 508 (D.C. Cir. 1986), cert. denied, 482 U.S. 919 (1987).

⁴⁶ See Action for Children’s Television v. F.C.C., 58 F.3d at 675 (Edwards, C.J., dissenting) (“spectrum-based communications media now have an abundance of alternatives”).

further in the digital age—as additional multiplexed channels are added to the already substantial complement of over-the-air broadcast television outlets. Accordingly, it is paradoxical (to say the least) that some would now use this digital transition as an occasion for an unprecedented expansion in the levels of government content-based regulations.⁴⁷

IV. THE DIGITAL SPECTRUM “GIVE-AWAY” IS A MYTH—AND THUS FAILS TO PROVIDE A LEGITIMATE RATIONALE FOR BURDENING TELEVISION BROADCASTERS WITH ADDITIONAL PUBLIC INTEREST OBLIGATIONS

A. Broadcasters Are Being Loaned Second Channels During the Digital Transition for the Benefit of the Public

As the NOI states, “in implementing [the statutory framework for the transition to DTV],⁴⁸ the Commission required that broadcasters air ‘free digital video programming service . . . during the same time period that their analog channel is broadcasting.’”⁴⁹ The allocation of

⁴⁷ Some proponents of expanded content regulation claim to find support in views attributed to James Madison. *See, e.g., Advisory Committee Report* at 20-21. However, “Madison believed that individuals possess[] a property right in their ideas and opinions.” John O. McGinnis, *Property-Based Vision of the First Amendment*, 63 U. Chi. L. Rev. 49, 56 (1996). Madison “also understood that the ability to transmit information . . . need[s] special protection from government interference . . . [and that] . . . the function of the First Amendment is to prohibit regulation of [this] important property right” when it is threatened by government action. *Id.* at 56-57 (emphasis added).

Further, the U.S. Supreme Court decision, Arkansas Educational Television Commission v. Forbes, 523 U.S. 666 (1998), effectively lays to rest the notion that the public forum doctrine can be used to justify heightened regulation of broadcasters. *See id.* at 683 (holding that a candidate debate on a state-owned public television station was a nonpublic forum rendering the broadcaster’s decision to exclude a candidate a reasonable, viewpoint-neutral exercise of journalistic discretion).

⁴⁸ 47 U.S.C. § 336.

⁴⁹ *See NOI* at ¶ 11 (quoting Fifth Report and Order, 12 FCC Rcd at 12820).

additional spectrum for use by television broadcasters to air this free digital programming service during the DTV conversion cannot properly be regarded as a “giveaway” or “windfall” for the television broadcast industry, and thus does not warrant extraction of quid pro quo in the form of additional government-mandated programming obligations or other requirements. Rather, the second channels carved from the existing television spectrum are merely being loaned to broadcasters so they may simulcast analog and digital programming while viewers upgrade to digital television sets. Without this approach, stations would be forced to switch to digital transmission overnight, leaving millions of viewers with dark and silent television sets the next day.

Moreover, when the DTV transition is complete, the public will receive very substantial benefits in the form of free over-the-air services with greatly improved signal quality (e.g., HDTV) and expanded programming choices (through SDTV multiplexing). In other words, the transition to DTV, in and of itself, serves the public interest. Broadcasters, on the other hand, will be in the same position they were prior to the transition—they each will have one 6 MHz television channel.⁵⁰ Thus, broadcasters are merely being loaned second channels during the DTV transition—a loan of which the public is the primary beneficiary.

B. During the “Loan” Period, Broadcasters Must Invest Billions for Transition to DTV—Without Any Guarantee of Recovering These Costs

To provide enhanced and expanded services, broadcasters are being called upon to invest approximately \$6 million to \$8 million per station in the purchase and installation of digital

⁵⁰ High definition or multicasting could be achieved on the 6 MHz of spectrum currently allocated to broadcasters.

equipment—not to mention increased programming costs.⁵¹ Indeed, broadcasters nationwide are expected to spend \$17 billion to upgrade to digital studio and transmission facilities.⁵² Belo alone will have invested a grand total of at least \$138 million in DTV expenditures by 2006. Significantly, the government is not helping broadcasters with the very costly digital transition—there are no federal subsidies or special tax benefits for these exorbitant DTV expenditures.

Moreover, the financial burdens of the transition will fall most heavily upon the small, independent television broadcast stations least able to afford them. These stations often are marginal in terms of financial strength and audience appeal, and are already struggling to make the very significant capital outlays necessary to implement DTV operations. Indeed, “DTV equipment could cost more than [a] small station is worth.”⁵³ Furthermore, with respect to any

⁵¹ See Doug Halonen, A ‘Why 2002?’ Problem: Small Stations Fear Missing Digital Deadline, Electronic Media, Mar. 8, 1999 (“[A]ll the equipment needed to make the digital switch could cost \$10 million [per station]. . . .”) (reporting remarks of Charles Sherman, Executive Vice President, NAB); see also Daniel Frankel, New Media Brings New Issues to NAPTE, Electronic Media, Jan. 26, 2000 (With respect to programming costs, “Paramount Pictures . . . has spent \$8 million converting ‘Cheers’ episodes to digital.”).

In addition, television broadcasters who have initiated DTV operations already are encountering a variety of implementation challenges—some expected, and some unanticipated. For example, receiver prices remain high, and sales of DTV sets and tuner boxes have lagged behind projections. Moreover, technical problems with today’s receivers remain unresolved—including some issues related to DTV-cable compatibility. Further, HDTV programming remains scarce, and requirements for cable carriage of DTV signals have not yet been determined.

⁵² Joint Letter from NAB, MSTV, and ALTV to William E. Kennard, Chairman, FCC, Feb. 22, 2000.

⁵³ Sinclair DTV Petition Is Key Issue at MSTV Conference, Public Broadcasting Report, Nov. 19, 1999 (reporting remarks of Charles Sherman, Executive Vice President, NAB); see also David Hatch, PBS’s Small Stations Hit Hard: Donor List Fallout Means Less Money To Those Who Need It Most, Electronic Media, Nov. 22, 1999 (reporting remarks of Joseph Widoff, Executive Vice President/Chief Operating Officer, WETA-TV, Washington, DC) (In addition to
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additional expanded programming obligations that the government may be contemplating, in many cases, it is likely that a small, independent station's limited budget for such programming would simply be stretched to cover a larger number of hours, thereby further compromising the ability of these operators to invest in quality programming.⁵⁴ The public would not benefit in any meaningful way from forcing small, independent stations to significantly expand the time they devote to public service programming.

While the shift to DTV will certainly increase a television station's operating expenses, it is far less certain that it will increase the station's viewership or advertising revenues.⁵⁵ In fact, to ensure that broadcasters' television markets remain the same, the FCC's table of DTV channel allotments specifies facilities that will create nearly identical "footprints" to those that television stations now have with their analog stations. Accordingly, since it cannot be assumed at this point that the DTV transition will produce any concrete financial gain for television broadcasters, the temporary allotment of a second channel for the implementation of digital service fails to provide a justification for the imposition of new public interest obligations.

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PBS stations, "many small commercial TV stations are already facing problems paying for their DTV transitions."); Russell Shaw, Maine Town Has Towering Problem, Electronic Media, June 7, 1999 ("[DTV] [t]owers costing about \$1 million in structure costs . . . , not even counting the antennas, labor, components, power and support facilities, can break a small station.").

⁵⁴ Many of these unaffiliated stations currently provide alternative programming—such as home shopping, informational, or religious programs—that the larger network stations do not offer. Thus, these stations already serve the public interest in their own way.

⁵⁵ Under existing law, television broadcasters are required to pay substantial fees to the FCC for the use of spectrum for "ancillary and supplementary" services. 47 C.F.R. § 73.624(g). Thus, as discussed below, a broadcaster's decision to offer such services should not trigger any additional public interest obligations. See *infra* Section V.A.

**V. RESPONSE TO SPECIFIC NOI “AREAS OF INQUIRY”:
BROADCASTERS CAN BEST SERVE THE PUBLIC INTEREST BY
CONTINUING TO RESPECT THEIR PUBLIC INTEREST
RESPONSIBILITIES AND SUPPORTING VOLUNTARY INDUSTRY
INITIATIVES⁵⁶**

As noted above, the NOI seeks comment in four general areas: (i) challenges unique to the digital era (*i.e.*, “multicasting,” HDTV, “multiplexing”); (ii) responding to the community (*i.e.*, disclosure obligations, disaster warnings, minimum public interest obligations); (iii) enhancing access to the media (*i.e.*, disabilities, diversity); and (iv) enhancing political discourse.⁵⁷ This section provides Belo’s response to the four “areas of inquiry,” as well as a proposal for expanded educational programming in the digital age. In general, the Company believes that broadcasters can best serve the public interest during and after the digital transition by continuing to respect their fundamental public interest responsibilities and supporting voluntary industry initiatives, and not through compelled adherence to government-dictated programming obligations.⁵⁸

⁵⁶ Belo’s position on the “areas of inquiry” addressed in this Section reflects and is based in large part upon the ideas expressed by Robert W. Decherd before the Advisory Committee. See generally Advisory Committee Report at 77-83 (Separate Statement of Robert W. Decherd et al.).

⁵⁷ See NOI.

⁵⁸ Further, as FCC Commissioner Harold Furchtgott-Roth has remarked, “[V]oluntary standards [that are the result of coercive behavior by the government] are neither a product of free will, nor are they merely exemplary. In other words, they are not voluntary and they are not standards. . . . [W]hen coupled with broad agency discretion in other matters concerning the regulated parties, [such] standards provide a dangerous mechanism for the evasion of statutory limits on [agency] authority . . . [which] is a threat to the rule of law and to the principle of limited government, both of which are essential to a free society. Worse, the use of these standards may involve constitutional violations.” FCC Commissioner Harold Furchtgott-Roth, Remarks Before the Media Institute (Nov. 17, 1998).

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**A. Challenges Unique to the Digital Era:
It Is Imprudent to Contemplate the Imposition of Additional Public
Interest Obligations on Television Broadcasters at This Early Stage in
the Digital Era**

The Commission notes in the NOI that “broadcasters, as well as all television licensees upon conversion to DTV, have the flexibility either to ‘multicast,’ to provide HDTV, or to ‘multiplex’ DTV programming and [other services] at the same time[,]” and states that “[the FCC is] especially interested in . . . whether and how existing public interest obligations should translate to the digital medium.”⁵⁹ The NOI references the report of the Advisory Committee (“Advisory Committee Report”), which recommends that, after a two-year moratorium for experimentation, Congress or the FCC should require broadcasters who realize a substantial increase in revenue from multiplexing to either pay fees, make “in-kind contributions” (e.g., dedicate one of the channels to public interest purposes, or provide free time to political parties), or lease one of the channels at below market rates to an unaffiliated local programmer who has no financial or other interest in a broadcast station.⁶⁰ With this “menu of options” in place, statutory or other public interest obligations would attach only to the primary channel.⁶¹ Belo supports a moratorium to allow broadcasters to explore the many possibilities offered by DTV, but believes it is imprudent at this early stage in the digital era to contemplate the imposition of fees or the extraction of specific public interest concessions from broadcasters.

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⁵⁹ NOI at ¶ 10.

⁶⁰ See id. at ¶ 11 (referencing Advisory Committee Report at 55).

⁶¹ See Advisory Committee Report at 55.

Indeed, because it is impossible to determine precisely the manner in which the transition to digital broadcasting will unfold, television broadcasters must have the flexibility to experiment with HDTV, multiplexed SDTV, and other variations of digital transmission and to develop innovative programming and other services to take full advantage of the enormous potential of digital technology.⁶² As the NOI notes, “the courts have acknowledged, and the transition to DTV reinforces [that] the public interest standard is a ‘supple instrument’ designed to be flexible enough to accommodate the ‘dynamic aspects of [broadcast] transmission[.]’”⁶³

However, any additional regulation regarding the content of television programming will necessarily involve elements of inflexibility and standardization. As the Advisory Committee stated, “[t]raditional regulation tends to be inflexible and can generate counterproductive incentives for broadcasters.”⁶⁴ Accordingly—whether broadcasters choose to provide one HDTV channel or to transmit multiple DTV channels—Congress and the FCC should avoid the imposition of any additional detailed and onerous regulatory requirements which may stifle experimentation and slow the implementation of digital technology.

Thus, Belo believes that existing public interest obligations should not be increased for broadcasters who elect to use their DTV allotments to provide a single channel of HDTV service.

⁶² Television broadcasters already must adhere to rigid public interest obligations to which their multichannel video competitors—e.g., cable television, DBS, wireless cable services—are not subject. Thus, while these competing information providers have the flexibility to experiment with programming options and quickly transition to accommodate the ever-changing market conditions, broadcasters lack similar flexibility to experiment and develop suitable programming and other digital services.

⁶³ NOI at ¶ 8 (quoting FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 138 (1940)).

⁶⁴ See Advisory Committee Report at 44.

These broadcasters will be providing a one-for-one replacement of existing NTSC service, which carries with it significant trusteeship obligations already tailored to that service. Similarly, because channels devoted to ancillary and supplementary services will be subject to fees under existing law,⁶⁵ a broadcaster's decision to offer such services in addition to a single channel of DTV programming should not give rise to additional public interest obligations.

Furthermore, while Belo believes that those television broadcasters who choose to transmit more than three channels of digital programming may reasonably be expected to devote some additional time to public interest programming,⁶⁶ the Company believes that broadcasters should be given the flexibility to determine the appropriate level and scheduling of such additional public interest programming and to decide whether that programming will be aired on one or more of their digital video channels. Thus, the imposition of fees or any sort of specific quantitative guidelines for additional public interest programming are inappropriate and are likely to be counterproductive, as they would discourage multiplexing and the provision of innovative new program offerings.

It would be imprudent for the FCC (or any government body) to contemplate mandating additional public interest programming obligations at this early stage in the digital transition.⁶⁷ Such obligations can only be based upon a speculative vision of the future shape of the digital

⁶⁵ See supra note 55.

⁶⁶ See Advisory Committee Report at 55.

⁶⁷ Indeed, "it seems premature to attempt to fix public interest obligations to a service that has yet to blossom. The wiser course would have been to initiate this inquiry at a time when we understand more about the proposed or likely applications of digital television so our proposal would bear some plausible nexus to the service itself, rather than its potential." NOI (Concurring Statement of Commissioner Michael K. Powell, at 1).

marketplace and the role of television broadcasters therein. If the government allows the digital marketplace to evolve naturally (as shaped by the needs and interests of viewers), it will then be able to make a more educated judgment in the future as to whether additional regulation is necessary. If it is later determined that a relatively more mature DTV industry has failed to devote adequate attention to vital public needs (which Belo believes will not be the case), the FCC will have ample opportunity to take appropriate constitutionally-tailored remedial action.

B. Responding to the Community

Two of the fundamental public interest obligations of television broadcasters are “to air programming responsive to the needs and interests of its community of license” and “to air emergency information.”⁶⁸ The NOI seeks comment on “ways [the Commission can] help [broadcasters] serve their communities better and more fully . . . as broadcasters move forward with their transition to digital technology.”⁶⁹

1. Broadcasters should be encouraged to disseminate more broadly information on their efforts to identify and address local concerns in their public interest programming

To assist individual communities in assessing and understanding the public interest programming efforts of their local television stations, Belo believes that television broadcasters should be encouraged to disseminate more widely information on their efforts to identify and address local concerns in their public interest programming offerings.⁷⁰ For example, the

⁶⁸ Id. at ¶ 14.

⁶⁹ Id.

⁷⁰ See id. at ¶ 15 (referencing Advisory Committee Report at 45-46).

industry could encourage the distribution to area newspapers and local program guides of more extensive information on public affairs, educational, and local programming, as well as other public interest offerings, including programming that meets the needs of under-served communities.⁷¹ Such enhanced disclosures could permit viewers to more readily identify and evaluate the efforts their local television broadcasters are making to address viewers' interests.⁷²

Similarly, greater use can be made of web sites and other information distribution vehicles to increase awareness of public interest programming and to promote continuing dialogue between broadcasters and their communities.⁷³ At this juncture, however, Belo does not believe that it is necessary or appropriate for the FCC to impose specific additional record-keeping or reporting requirements on television broadcasters.⁷⁴

⁷¹ See id. (referencing Advisory Committee Report at 46).

⁷² See id.

⁷³ See id.

⁷⁴ As discussed above, broadcasters have every incentive to take appropriate steps to ensure that they identify and satisfy the needs, interests, and tastes of their local audiences now and in the future. See supra Section III.C. Indeed, the Commission recognized these incentives over fifteen years ago when it eliminated the FCC's formal ascertainment requirements. See Ascertainment Report and Order, 98 FCC 2d at 1098-99 ("[P]resent market forces provide adequate incentives for licensees to remain familiar with their communities. Moreover, future market forces, resulting from increased competition, will continue to require licensees to be aware of the needs of their communities. Given this reality, we believe that . . . the Commission should eliminate [ascertainment requirements]."); see also id. at 1100-01 ("[I]t is in the economic best interest of the licensee to stay informed about the needs and interests of its community. . . . [Accordingly,] we believe that ascertainment requirements can now be abandoned. . . .").

2. Broadcasters should be encouraged to use digital technology to transmit improved disaster warnings

Broadcasters always have taken seriously their public interest responsibility to warn viewers about impending natural disasters and to keep viewers informed about disaster-related events.⁷⁵ For example, in 1998, Belo's KENS-TV, San Antonio, Texas, broadcast round-the-clock, commercial free, during the devastating flooding in Texas to ensure viewers access to emergency information and assistance. Similarly, the television broadcast industry played a vital role in providing warnings, information on safety precautions and the availability of emergency shelters, and support for relief programs relating to the catastrophic flooding in North Carolina and neighboring areas in late 1999 and the recent flooding in Southern California.

The NOI "seek[s] comment on the Advisory Committee Report's recommendation . . . that broadcasters should work with emergency communications specialists and [equipment] manufacturers to determine the most effective means to transmit disaster warning information . . . in a manner that would be minimally intrusive on bandwidth and not result in undue additional burdens or costs on broadcasters."⁷⁶ Belo joins in the Advisory Committee's exhortation to broadcasters in this regard. The Company also agrees with the Advisory Committee that the FCC or other regulatory authorities should coordinate with manufacturers of DTV receivers to

⁷⁵ See Advisory Committee Report at 60.

⁷⁶ See NOI at ¶ 19, 18 (quoting Advisory Committee Report at 60-61); see also Vice President's Letter at 2.

ensure that new digital television sets and converters are fully capable of handling such emergency transmissions.⁷⁷

3. The imposition of a set of mandatory minimum public interest obligations is unnecessary and would be counterproductive

The NOI asks whether a set of mandatory minimum public interest requirements for digital broadcasters should be developed, as suggested in the Advisory Committee Report.⁷⁸ As the NOI notes, however, “[m]any members of the Advisory Committee . . . strongly opposed Commission-imposed minimum public interest requirements as unnecessary, preferring to give television broadcasters maximum flexibility and discretion in meeting their public interest obligations.”⁷⁹ Belo strenuously opposes the imposition of such mandatory standards. Television broadcasters’ continued voluntary adherence to generally accepted, industry-wide principles in providing public interest programming to serve local communities will best serve the industry and the viewing public.

In this regard, the Company believes that most broadcasters would voluntarily commit themselves to the following public interest principles and objectives for the digital age:

- Renewed and systematic efforts by station licensees to identify the concerns and interests of their local communities.
- A continuing commitment to provide public interest programming responsive to those concerns and interests.
- Provision of programming (including educational programming) specifically addressed and intended to be responsive to the needs and interests of children.

⁷⁷ See Advisory Committee Report at 61; see also Vice President’s Letter at 2.

⁷⁸ See NOI at ¶ 21 (referencing Advisory Committee Report at 47).

⁷⁹ Id. (referencing Advisory Committee Report at 48).

- Coverage of debates and other candidate forums.
- Voluntary provision by television stations of airtime for uninterrupted statements by candidates for public office, to encourage a meaningful dialogue with the electorate on the central issues of their campaigns.
- Airing of town meetings and similar open forums for discussion of local issues by area residents, officials, and community leaders.
- Continuing efforts (such as closed captioning and video description) to utilize available technology to make the benefits of broadcast television more widely available to individuals with disabilities.

Belo does not believe, however, that it is appropriate for the Commission—or any governmental body—to mandate a set of minimum public interest obligations to which television broadcasters must comply, to identify the industry group expected to develop such obligations or standards, or to provide models of what such standards might look like. Rather, the Company concurs with the Advisory Committee’s statement that development of any industry obligations or standards should be “without pressure, interference, or direct or indirect enforcement by the government. The public, the marketplace, and the court of public opinion can then judge their efficacy.”⁸⁰ Any suggestion by the government that a new “code” is expected, that it should conform to some “model,” or that the FCC might step in if the industry does not produce such a document, is inconsistent with the concept of truly voluntary self-regulation.

C. Enhancing Access to the Media

The FCC notes that “[O]ne of the Commission’s long-standing goals in the area of broadcast regulation is to enhance the access to the media by all people, including people of all

⁸⁰ See Advisory Committee Report at 47.

rac^{es}, ethnicities, and gender, and, most recently, disabled persons.”⁸¹ Thus, the NOI “seek[s] comment on the ways broadcasters can use [digital] technology to provide greater access to the media.”⁸²

1. Broadcasters should be encouraged, on a voluntary basis, to explore ways to provide greater access to the media to persons with disabilities

The NOI states that “the Advisory Committee Report recommends that digital TV broadcasters ‘take full advantage’ of new digital technologies to provide ‘maximum choice and quality for Americans with disabilities, where doing so would not impose an undue burden on the broadcasters.”⁸³ Belo endorses the recommendation of the Advisory Committee that broadcasters be encouraged—on a voluntary basis—to explore ways to provide enhanced access to persons with disabilities, including expanded closed-captioning and video description where feasible, as well as creative uses of data streaming, in ways that will not create an undue burden on broadcasters.⁸⁴ The NOI further notes that the Advisory Committee “recommends that the FCC and other regulatory authorities work with set manufacturers to ensure [compatibility and maximum utilization of available technology] for disability access.”⁸⁵ While Belo concurs with this suggestion, the Company does not believe that broadcasters should be subject to specific

⁸¹ NOI at ¶ 23.

⁸² Id.

⁸³ Id. at ¶ 25 (quoting Advisory Committee Report at 61).

⁸⁴ See Advisory Committee Report at 61-62; see also Vice President’s Letter at 2-3.

⁸⁵ NOI at ¶ 25 (referencing Advisory Committee Report at 62).

additional requirements beyond those already enumerated for the television industry in general, merely by virtue of the initiation of DTV operations.

2. Broadcasters should be encouraged to consider voluntary industry initiatives to increase opportunities for participation in the media by minorities, women, and small businesses

The NOI notes that “[d]iversity of viewpoint, ownership, and employment ha[s] long been and continues to be a fundamental goal in broadcasting.”⁸⁶ In this regard, the Commission acknowledges that “[b]roadcasters have voluntarily pursued a number of initiatives to foster diversity.”⁸⁷ Belo shares this commitment to diversity and to equal opportunities for all Americans to participate in and enjoy the benefits of the nation’s television broadcasting system, and thus strongly endorses voluntary industry initiatives to increase opportunities for and participation by minorities, women, and small businesses.

Indeed, the Company maintains a vigorous equal employment opportunity program, and is privileged to count among its executives, station managers, and on-air personalities a substantial number of highly capable women and members of minority groups. Moreover, as the NOI recognizes, “recently, [b]roadcasters [, including Belo, have] created an investment fund with current initial cash commitment of \$175 million and ultimate purchasing power of possibly \$1 billion to spur [broadcast] ownership by minorities and women.”⁸⁸

⁸⁶ Id. at ¶ 29.

⁸⁷ Id. at ¶ 30.

⁸⁸ Id.

Belo believes that television broadcasters should be encouraged to consider similar voluntary industry initiatives in the future—and that they are willing to do so. In this manner, the broadcast industry can increase opportunities for and participation by minorities, women, and small business in the media.

**D. Enhancing Political Discourse:
Broadcasters Should Be Encouraged to Consider, on a Voluntary
Basis, a Broad Range of Programming and Other Options to Elevate
Political Discourse**

The NOI generally “seek[s] comment on ways that candidate access to television might be improved” in the digital era.⁸⁹ It more specifically seeks comment on several proposals, including, in particular, the recommendation of the Advisory Committee “that television broadcasters provide five minutes each night . . . for ‘candidate-centered discourse’ thirty days before an election . . . [,] with maximum flexibility for broadcasters, allowing them to choose the candidates and races . . . that deserve more attention.”⁹⁰

Belo recognizes the widespread concern regarding the increasingly important role of television spot advertising in political campaigns and of the accompanying issues, including negative campaigning and fundraising abuse. Therefore, the Company agrees with the Advisory Committee that broadcasters should be strongly encouraged to provide free airtime to candidates, on a voluntary basis, for more meaningful discussion of campaign issues and proposals (e.g.,

⁸⁹ Id. at ¶ 34. The Commission emphasized that it is not proposing any new rules or policies in the NOI. Id. “Rather, [the FCC’s] goal . . . is to initiate a public debate on the question. . . . This debate will greatly assist the Commission and Congress in determining what, if any, further steps should be taken on these important issues.” Id.

⁹⁰ Id. at ¶ 37 (referencing Advisory Committee Report at 59).

personal appearances by candidates themselves to make statements of at least one minute duration).⁹¹ As discussed above, Belo and a number of other television station licensees already provide free airtime, and even more broadcasters have expressed the intention to provide such airtime in the future.⁹²

In addition to free airtime, the Company believes that television broadcast stations should be encouraged to consider a broad range of programming and other options to improve the quality of political discourse. This process should not be mandated by the federal government; rather, it can and should be a voluntary undertaking agreed to and promoted by the industry. Thus, the Commission should not attempt to articulate or endorse any particular plan for the use of airtime for political messages. Further, as the Advisory Committee notes, television is only one part of a campaign system filled with serious problems; broadcasters can and should be expected to do their fair share to contribute to solutions to those problems, but should not be asked to shoulder the burden alone.⁹³

E. Proposal for Expanded Educational Programming in the Digital Age

Like all television broadcasters, public television stations have been allotted a second 6 MHz channel on which to begin DTV operations during the specified analog-to-digital transition period. Belo strongly supports the Advisory Committee's recommendation, noted in the NOI, that, in each market, a second transition channel be retained permanently to be used for

⁹¹ See Advisory Committee Report at 59.

⁹² See supra Section III.B.2.

⁹³ See Advisory Committee Report at 56.

additional educational, instructional, and public interest programming by noncommercial television stations.⁹⁴ In fact, this proposal was presented by Belo's CEO, Robert W. Decherd, at the Fifth Meeting of the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters, held on April 14, 1998.⁹⁵

The availability of a second public television channel would strengthen noncommercial broadcasting and provide new opportunities for public access to the airwaves. The second channel could be used as an outlet for independent program producers, local residents, and community organizations. Additional spectrum dedicated to public use also could create a permanent pipeline for political candidates to communicate with the electorate at the state, county, and community levels. The federal government, however, should avoid the temptation to micromanage the use of the second noncommercial channel, or to impose upon prospective licensees a bureaucratic determination of what constitutes "appropriate" programming.

Moreover, fees that the FCC will recover when commercial broadcasters provide pay services can be used as one source of funding for an ambitious public broadcasting strategy.⁹⁶ This funding could provide a steady stream of revenue for educational programming. Belo believes that the Corporation for Public Broadcasting ("CPB") should continue to act as the umbrella organization for allocating funds to local noncommercial stations. Indeed, the CPB is well-situated to guide a nationwide effort to deliver more educational programming. Reliance on the CPB to perform this function also would avoid the need for establishment of any new

⁹⁴ See NOI at ¶ 32 (referencing Advisory Committee Report at 51).

⁹⁵ Summary of presentation available at <<http://www.benton.org/Policy/TV/meeting5.html>>.

⁹⁶ See supra note 55.

bureaucracy to administer the second-channel program. Additionally, as the Advisory Committee suggests, Congress may want to consider devoting a portion of the proceeds of the auctions of returned analog television channels to the support of additional noncommercial programming to serve local educational and informational needs.⁹⁷

⁹⁷ See Advisory Committee Report at 52.

VI. CONCLUSION

For the reasons set forth above, Belo urges the Commission not to increase the public interest obligations of television broadcast licensees in the digital era simply because they will be using DTV technology to provide broadcast service to the public. Indeed, there is no identifiable need for further burdensome regulation of television program content; television broadcast stations have voluntarily provided outstanding local public interest programming and other services in the past and have even greater incentive to do so in the future. Moreover, the imposition of additional detailed and onerous public interest obligations may very well stifle experimentation and slow the transition to digital service—a counterproductive result for the Commission, the television broadcast industry, and, most importantly, the public.

Respectfully submitted,

BELO

By: Michael J. McCarthy /meh
Michael J. McCarthy
Executive Vice President
BELO
Communications Center
400 South Record Street
Dallas, Texas 75202

Richard E. Wiley
James R. Bayes
Marjorie J. Dickman
of
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

Its Attorneys

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APPENDIX A

ABOUT THE STUDY

- ◆ The following tables are designed to show the amount of time devoted each week to the broadcast of non-entertainment programming by the full-service television stations named at the top of each chart, which are owned and operated by A. H. Belo Corporation and its subsidiaries. The tables also include corresponding combined totals for the ABC, CBS, NBC, and Fox affiliates in each of the Belo markets.¹
- ◆ Program Categories:
 - Newscasts: network and local newscasts (not including the news update segments of other news/information programming).
 - News/Information: news "magazines," morning news programs, and prime time news programs, such as "Good Morning America" and "Dateline NBC." (Tabloids and talk shows, such as "Hard Copy," "Entertainment Tonight" and "Oprah" are not included.)
 - Public Affairs: programs that discuss politics, current events, and other topics of public interest, such as "Meet the Press" and "Capital Conversation."
 - Instructional: how-to-programs such as "Your New House" and "Martha Stewart."
 - Children's/Educational: programs, as identified in program guides, designed to further "the educational and informational needs of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs."
 - Religion: paid religious programs.
- ◆ Hours and Percentages:
 - For each day of the week, the tables show the amount, in hours, rounded to the nearest ¼ hour, of each category of programming broadcast during a twenty-four hour period by the Belo station named at the top of the chart. The figures are derived from a representative week and based upon published program guide listings.
 - Weekly Total: total number of hours of each category of programming broadcast during the week specified by the Belo station.
 - Weekly Total as Percentage of Total Programming: percentage of each broadcast week (168 hours) devoted to each category of programming.
 - Weekly Total for All Network Affiliates: total hours of each category of programming broadcast during the week for all four network affiliates (ABC, NBC, CBS and Fox) in the market. The Phoenix market also includes Belo's Independent station KTVB.
 - Weekly Total for All Network Affiliates as Percentage of Total Programming: percentage of each broadcast week of all four network affiliates (672 hours) devoted to each category of programming. The Phoenix market also includes Belo's Independent station KTVB (840 hours).
 - Discounted for Commercials: based upon data from a representative Belo station (KHOU-TV), the average amount of commercial matter in each hour of non-entertainment programming is 14.4 minutes, or 24% of each hour. This average figure is applied to all categories of programming, including children's/educational programming, although Belo stations comply with FCC standards for permissible commercial matter in children's programming. The numbers to the right of the "slash" marks have been discounted by that percentage to subtract commercial matter from the totals.²

¹ The numbers in the tables include network, syndicated, and locally-produced programming.

² Religious programming generally does not contain commercials, and consequently, the totals have not been discounted.

KHOU-TV, Houston, TX Channel 11, CBS <i>News, Public Affairs, and Other Non-Entertainment Programming</i> (in hours) for the week beginning January 16, 2000										Houston Network Affiliates (ABC, CBS, NBC, FOX)	
	SUN.	MON.	TUES.	WEDS.	THURS.	FRI.	SAT.	WEEKLY TOTAL / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS
NEWSCASTS	2.75	6.5	7.75	7.75	7.75	7.75	4	44.25 / 33.63	26.3% / 20.0%	146 / 110.96	21.8% / 16.6%
NEWS/INFORMATION (e.g., news "magazines," morning news programs)	2.5	1	2	1	2	1	2	11.5 / 8.74	6.8% / 5.2%	54 / 41.04	8.1% / 6.1%
PUBLIC AFFAIRS	1.5	-	-	-	-	-	1	2.5 / 1.9	1.5% / 1.1%	6 / 4.56	0.9% / 0.7%
INSTRUCTIONAL (e.g., how-to programs)	-	1	1	1	1	1	.5	5.5 / 4.18	3.3% / 2.5%	7.5 / 5.7	1.1% / 0.8%
CHILDREN'S/ EDUCATIONAL	3	-	-	-	-	-	1	4 / 3.04	2.4% / 1.8%	14.5 / 11.02	2.2% / 1.6%
RELIGION	.5	.5	-	-	-	-	-	1 / 1	0.6% / 0.6%	4.5 / 4.5	0.7% / 0.7%
TOTAL NON- ENTERTAINMENT PROGRAMMING	10.25	9	10.75	9.75	10.75	9.75	8.5	68.75 / 52.25	40.9% / 31.1%	232.5 / 176.7	34.7% / 26.4%

KING-TV, Seattle-Tacoma, WA

Channel 5, NBC

*News, Public Affairs, and Other Non-Entertainment Programming
(in hours) for the week beginning January 16, 2000***Seattle-Tacoma
Network Affiliates**

(ABC, CBS, NBC, FOX)

	SUN.	MON.	TUES.	WEDS.	THURS.	FRI.	SAT.	WEEKLY TOTAL / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES AS PERCENTAGE OF TOTAL * PROGRAMMING / DISCOUNTED FOR COMMERCIALS
NEWSCASTS	5	5.5	5.5	5.5	5.5	5.5	4.5	37 / 28.12	22.0% / 16.7%	137 / 104.12	20.1% / 15.5%
NEWS/INFORMATION (e.g., news "magazines," morning news programs)	2	5.5	4.5	3.5	3.5	4.5	.5	24 / 18.24	14.3% / 10.9%	66.5 / 50.54	9.9% / 7.5%
PUBLIC AFFAIRS	1	1	-	-	-	-	-	2 / 1.52	1.2% / 0.9%	3.5 / 2.66	0.5% / 0.4%
INSTRUCTIONAL (e.g., how-to programs)	1.5	1	1	1	1	1	-	6.5 / 4.94	3.8% / 3.0%	8.5 / 6.46	1.3% / 1.0%
CHILDREN'S/ EDUCATIONAL	1	-	-	-	-	-	2.5	3.5 / 2.66	2.1% / 1.5%	14 / 10.64	2.1% / 1.6%
RELIGION	-	-	-	-	-	-	-	-	-	1.5 / 1.5	0.2% / 0.2%
TOTAL NON- ENTERTAINMENT PROGRAMMING	10.5	13	11	10	10	11	7.5	73 / 55.48	43.5% / 33.2%	231 / 175.56	34.5% / 26.2%

KTVB-TV, Boise, ID

Channel 7, NBC

*News, Public Affairs, and Other Non-Entertainment Programming
(in hours) for the week beginning January 16, 2000*

**Boise Network
Affiliates**

(ABC, CBS, NBC, FOX)

	SUN.	MON.	TUES.	WEDS.	THURS.	FRI.	SAT.	WEEKLY TOTAL / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS
NEWSCASTS	7	9	6	6	6	6	4.5	44.5 / 33.82	26.5% / 20.1%	115.75 / 87.97	17.2% / 13.1%
NEWS/INFORMATION (e.g., news "magazines," morning news programs)	3.5	6	4	4	4	4	2	27.5 / 20.9	16.4% / 12.4%	67 / 50.92	10% / 7.6%
PUBLIC AFFAIRS	.5	1	-	-	-	-	-	1.5 / 1.14	0.9% / 0.7%	8.5 / 6.46	1.3% / 1.0%
INSTRUCTIONAL (e.g., how-to programs)	-	-	-	-	-	-	1	1 / .76	0.6% / 0.5%	9 / 6.84	1.3% / 1.0%
CHILDREN'S/ EDUCATIONAL	2	-	-	-	-	-	2.5	4.5 / 3.42	2.7% / 2.0%	13.5 / 10.26	2.0% / 1.5%
RELIGION	-	-	-	-	-	-	-	-	-	2 / 2	0.3% / 0.3%
TOTAL NON- ENTERTAINMENT PROGRAMMING	13	16	10	10	10	10	10	79 / 60.04	47.0% / 35.7%	215.75 / 163.97	32.2% / 24.5%

KTVK-TV, Phoenix, AZ Channel 3, Independent <i>News, Public Affairs, and Other Non-Entertainment Programming</i> (in hours) for the week beginning January 16, 2000										Phoenix Network Affiliates (ABC, CBS, NBC, FOX, Independent)	
	SUN.	MON.	TUES.	WEDS.	THURS.	FRI.	SAT.	WEEKLY TOTAL / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS
NEWSCASTS	1	6	6	6	6	6	1	32 / 24.32	19.0% / 14.5%	155 / 117.80	18.5% / 14.0%
NEWS/INFORMATION (e.g., news "magazines," morning news programs)	2	3	3	3	3	3	3	20 / 15.20	11.9% / 9.0%	92.5 / 70.3	11.0% / 8.4%
PUBLIC AFFAIRS	.5	-	-	-	-	-	-	.5 / .38	0.3% / 0.2%	4 / 3.04	0.5% / 0.4%
INSTRUCTIONAL (e.g., how-to programs)	2.5	-	-	-	-	-	2.5	5 / 3.80	3.0% / 2.3%	20 / 15.20	2.4% / 1.8%
CHILDREN'S/ EDUCATIONAL	1.5	-	-	-	-	-	2	3.5 / 2.66	2.1% / 1.6%	17 / 12.92	2.0% / 1.5%
RELIGION	-	-	-	-	-	-	-	-	-	0.5 / 0.5	0.1% / 0.1%
TOTAL NON- ENTERTAINMENT PROGRAMMING	7.5	9	9	9	9	9	8.5	61 / 46.36	36.3% / 27.6%	289 / 219.64	34.4% / 26.1%

WFAA-TV, Dallas-Fort Worth, TX

Channel 8, ABC

*News, Public Affairs, and Other Non-Entertainment Programming
(in hours) for the week beginning January 16, 2000***Dallas-Fort Worth
Network Affiliates**

(ABC, CBS, NBC, FOX)

	SUN.	MON.	TUES.	WEDS.	THURS.	FRI.	SAT.	WEEKLY TOTAL / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS
NEWSCASTS	4	8	7	7	7	7	4.5	44.5 / 33.82	26.5% / 20.1%	166.5 / 126.54	24.8% / 18.8%
NEWS/INFORMATION (e.g., news "magazines," morning news programs)	.5	4.5	4.5	5.5	5.5	5.5	-	26 / 19.76	15.5% / 11.8%	77 / 58.52	11.5% / 8.7%
PUBLIC AFFAIRS	4.5	-	-	-	-	-	.5	5 / 3.8	3.0% / 2.3%	7.5 / 5.7	1.1% / 0.8%
INSTRUCTIONAL (e.g., how-to programs)	-	-	-	-	-	-	-	-	-	7.5 / 5.7	1.1% / 0.8%
CHILDREN'S/ EDUCATIONAL	-	-	-	-	-	-	5	5 / 3.8	3.0% / 2.3%	14.5 / 11.02	2.2% / 1.6%
RELIGION	2	-	-	-	-	-	-	2 / 2	1.2% / 1.2%	2 / 2	0.3% / 0.3%
TOTAL NON- ENTERTAINMENT PROGRAMMING	11	12.5	11.5	12.5	12.5	12.5	10	82.5 / 62.7	49.1% / 37.3%	275 / 209	41.0% / 31.2%

WVEC-TV, Hampton-Norfolk, VA

Channel 13, ABC

*News, Public Affairs, and Other Non-Entertainment Programming
(in hours) for the week beginning January 15, 2000*

**Hampton-Norfolk
Network Affiliates**

(ABC, CBS, NBC, FOX)

	SAT.	SUN.	MON.	TUES.	WEDS.	THURS.	FRI.	WEEKLY TOTAL / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES / DISCOUNTED FOR COMMERCIALS	WEEKLY TOTAL FOR ALL NETWORK AFFILIATES AS PERCENTAGE OF TOTAL PROGRAMMING / DISCOUNTED FOR COMMERCIALS
NEWSCASTS	1.5	1.5	6.5	6.5	7.5	7.5	7.5	38.5 / 29.26	22.9% / 17.4%	121 / 91.96	18.0% / 13.7%
NEWS/INFORMATION (e.g., news "magazines," morning news programs)	.5	1	3.5	3.5	4.5	4.5	4.5	22 / 16.72	13.1% / 10.0%	53 / 40.28	7.9% / 6.0%
PUBLIC AFFAIRS	.5	3.5	-	-	-	-	-	4 / 3.04	2.4% / 1.8%	6 / 4.56	0.9% / 0.7%
INSTRUCTIONAL (e.g., how-to programs)	1.5	.5	-	-	-	-	-	2 / 1.52	1.2% / 0.9%	3.5 / 2.66	0.5% / 0.4%
CHILDREN'S/ EDUCATIONAL	4.5	-	.5	-	-	-	-	5 / 3.8	3.0% / 2.3%	16.5 / 12.54	2.5% / 1.9%
RELIGION	-	3.5	-	-	-	-	-	3.5 / 3.5	2.1% / 2.1%	19 / 19	2.8% / 2.8%
TOTAL NON- ENTERTAINMENT PROGRAMMING	8.5	10	10.5	10	12	12	12	75 / 57	44.6% / 33.9%	219 / 166.44	32.7% / 24.8%